

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TODD KREISLER,

Plaintiff,

-against-

KAIS ABID, d/b/a PAPA JOHN'S, KAM FOUR, INC., a New York corporation, d/b/a PAPA JOHN'S, PARKER EAST 24th APARTMENTS, LLC, a New York limited liability company, PARKER COMMERCIAL 24th ASSOCIATES, a New York limited partnership, and 305 EAST 24th OWNERS CORP., a New York corporation,

Defendants.

Civil Action No.: 12 CIV.4052 (PAE)

NOTICE OF MOTION

PLEASE TAKE NOTICE that Defendant PARKER EAST 24th APARTMENTS, LLC, by and through its counsel, SEYFARTH SHAW LLP, shall move this Court before the Honorable Paul A. Engelmayer, United States District Court Judge, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, for an Order:

- (1) vacating the Final Default Judgment issued against Parker East 24th Apartments, LLC on December 11, 2012 (*see* Docket No. 34), as well as the related Order and Judgment dated December 14, 2012 (*see* Docket No. 39), pursuant to Fed. R. Civ. P. 60(b)(1);
- (2) striking from the record the final page of the document entitled “Response Pursuant to Court Order of 28 Feb 2013” filed by Defendant Kais Abid (*see* Docket No. 65), and directing the Clerk to remove this exhibit from the docket, pursuant to F.R.E. 408; and

(3) awarding any other and further relief that this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Defendants will rely on the accompanying Affidavit of Cynthia Wong dated March 13, 2013 and Declaration of John W. Egan, Esq. dated March 13, 2013, and all exhibits annexed thereto.

Dated: New York, New York
March 13, 2013

SEYFARTH SHAW LLP

By: /s/ John W. Egan

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